

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

1201 NORTH MARKET STREET
P.O. BOX 1347
WILMINGTON, DELAWARE 19899-1347
(302) 658-9200
(302) 658-3989 FAX

KENNETH J. NACHBAR
(302) 351-9294
(302) 425-3013 FAX
KNachbar@morrisnichols.com

January 21, 2022

FILED VIA ELECTRONIC FILING

The Honorable Leonard P. Stark
U.S. District Court for the District of Delaware
844 North King Street
Wilmington, Delaware 19801

Re: *Crystallex Int'l Corp. v. Bolivarian Republic of Venezuela, et al.*,
No. 1:17-mc-151-LPS

Dear Judge Stark:

We write to inform the Court of recent events relevant for its consideration of outstanding briefing on the issue of U.S. sanctions. *E.g.*, D.I. 406, 408, 418, 419, 421. Specifically, on January 20, 2022, the U.S. Department of the Treasury, through the Office of Foreign Assets Control (“OFAC”), issued General License 5I (“GL-5I”)¹ and a related OFAC FAQ,² No. 595, both of which concern the timing of transactions related to the Petróleos de Venezuela, S.A. 2020 8.5 percent bond (“PDVSA 2020 Bonds”). Contrary to Crystallex International Corporation’s repeated claims that the 2020 Bondholders are somehow gaining a competitive advantage over the assets at issue (*see, e.g.*, D.I. 406 at 14, D.I. 431 at 1), GL-5I and OFAC FAQ No. 595 make clear that “transactions related to the sale or transfer of” the CITGO Holding, Inc. shares serving as collateral for the 2020 Bondholders “are prohibited” under the sanctions until at least January 20, 2023, “unless specifically authorized by OFAC.” OFAC FAQ No. 595. Since October 2019, OFAC has suspended the authorizations of GL-5 nine times; GL-5I represents the longest suspension to date. *Id.*

¹ Dep’t of Treas., Office of Foreign Assets Control, *General License No. 5I* (Jan. 20, 2022), https://home.treasury.gov/system/files/126/venezuela_gl5i.pdf.

² Dep’t of Treas., Office of Foreign Assets Control, *Frequently Asked Questions* (Jan. 20, 2022), <https://home.treasury.gov/policy-issues/financial-sanctions/faqs/595>.

The Honorable Leonard P. Stark
January 21, 2022
Page 2

Respectfully submitted,

/s/ Kenneth J. Nachbar

Kenneth J. Nachbar (#2067)

cc: All Counsel of Record (Via E-Filing)